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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,487	09/02/2003	Hyung-Soo Kim	1349.1277	2312
21171	7590	06/09/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/652,487	Applicant(s) KIM, HYUNG-SOO	
	Examiner Hai C. Pham	Art Unit 2861	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: 1-20.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Hai C. Pham
HAI PHAM
PRIMARY EXAMINER
6/6/06

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 05/30/06 have been fully considered but they are not persuasive.

1. Applicant argued that "Mclaughlin teaches away from independent claims 1, 5, 9, and 13 of the present invention, which do not recite utilizing a glass process to diffuse at least a kind of monovalent into the glass plate". The examiner respectfully disagrees. The fact of processing the glass plate to obtain a collimator lens material having the refractive index varying only in the axial direction such that "a highly efficient collimator lens with low spherical aberration and coma can be obtained" (Mclaughlin, col. 9, lines 22-28), is definitely an advantage feature that the collimator lens would have. The silence in the above-mentioned independent claims recitation of such feature does not equate to the negation of such collimator lens such that a person having ordinary skill in the art would not look at such collimator lens having a superior feature.
2. Applicant argued that "[T]he lens of the present invention has a constant refractive index, whereas Mclaughlin relates to a gradient index (GRIN) lens, the refractive index of which changes along the Z axis". However, neither the claims nor the current Specification requires the collimator lens having a constant refractive index. Such limitation is therefore irrelevant.
3. Applicant argued that Naiki teaches a laser diode array having a configuration different from that of Ishibe and that of the present invention, and therefore, "Naiki teaches away from the present invention". The examiner respectfully disagrees. The present Disclosure apparently does not require the laser diode array be of any specific configuration by remaining completely silent with regard to the arrangement of the light emitting sections, i.e., one-dimensional or two-dimensional arrangement. The only requirement is that the collimator lens transforms the laser beams into parallel beams (Specification, paragraphs [0016], [0018], [0021]). Each prior art in Ishibe, Mclaughlin and Naiki amply meets such requirement. Naiki further specifically teaches "[T]he collimator lens 2 has positive refractive powers both in a main scanning direction and in a sub-scanning direction and functions to change each laser beam L emitted from the laser diode array 1 into a parallel bundle of rays" at col. 3, lines 41-45.
4. Applicant argued that "[T]he Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references", namely Ishibe in view of Mclaughlin. Mclaughlin clearly and expressly states that the collimator lens made of glass and subjected to an ion-exchange process produces "a highly efficient collimator lens with low spherical aberration and coma" (col. 9, lines 22-28), a clear objective evidence of record for the motivation for the combination, and not being "based on subjective belief and unknown authority" as Applicant stated at page 11, line 30, and not being based on "common knowledge or common sense" for establishing the obviousness of claims 1-20 as Applicant again stated at page 12, lines 7-8.

Harshi Pham

June 6, 2006